

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
DONNA KASSMAN, et al.,

Plaintiffs,

-against-

KPMG LLP,

Defendant.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/5/2019

11 Civ. 3743 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by Order dated February 25, 2019, the Court directed each Former Opt-In Plaintiff who intended to prosecute her Equal Pay Act claim in this Court to file a Verified Fact Sheet. The Court ordered that each Verified Fact Sheet would “act in all respects as if it were a filed Complaint in this Court.” (Dkt. No. 865)

WHEREAS, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), Defendant seeks to file a motion to dismiss certain Verified Fact Sheets (the “Challenged VFSs”) and to strike certain allegations (Dkt. No. 902). It is hereby

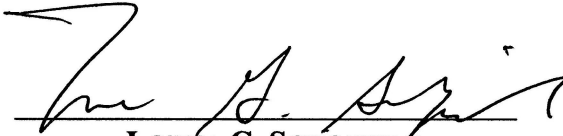
ORDERED that Defendant shall move, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss ten of the Challenged VFSs, whose purported defects are representative of the Challenged VFSs as a whole. Defendant’s motion will be without prejudice to a subsequent Rule 12 motion to dismiss the remaining Challenged VFSs. Defendant’s motion shall also address any basis to strike allegations in the Challenged VFSs pursuant to Rule 12(f). It is further

ORDERED that, by **September 10, 2019**, Defendant shall file its memorandum of law in support of the motion, not to exceed thirty pages, and may file an additional one-page addendum per case. By **October 25, 2019**, Plaintiffs shall file their opposition, not to exceed thirty pages, and may file a one-page response to any addendum that Defendant files. Defendant shall file its reply, not to exceed fifteen pages, by **November 15, 2019**. The parties are directed to consult the

Court's Individual Rules regarding formatting, exhibit limits and courtesy copies. It is further

ORDERED that within fourteen days after resolution of Defendant's motion, the parties shall meet and confer and shall file a joint letter regarding (1) the possibility of a stipulated dismissal of certain Challenged VFSs in light of the Court's decision, (2) whether a Special Master should be appointed to resolve any further Rule 12 motions and (3) any other issue the parties would like to address. The parties shall also jointly file a proposed Case Management Plan and Scheduling Order as to the remaining cases.

Dated: August 5, 2019
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE